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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/781,786 | 02/12/2001 | Kyung-Ju Choi | 00-6AAF (DN7814) | 6972 |

7590

09/16/2002

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St. Louis, MO 63141

EXAMINER

CECIL, TERRY K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1723

10

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/781,786

Applicant(s)

CHOI, KYUNG-JU

Examiner

Mr. Terry K. Cecil

Art Unit

1723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 8-27-2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-27.

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on 03 September 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☒ Other: see the attached interview summaries of Pap Nos. 7 and 9.

Continuation of 3. Applicant's reply has overcome the following rejection(s): the claim objections and the 112 rejection of the final office action of Paper No. 5 .

ATTACHMENT TO THE ADVISORY ACTION OF PAPER NO. 10


1. Note that upon entering the after-final amendment, the claims are rejected using the same references as applied in the final office action as explained below.
2. Applicant's proposed drawing changes filed 9-3-2002 have obviated the drawing objection of the last bulleted item in the final office action. However, the first two bulleted items have not been addressed.
3. Applicant's arguments of the after-final amendment have been fully considered but are not persuasive because of the following reasons:
 - Applicant argues that the A-P reference does not teach "wherein factors of layer thicknesses, porosity, fiber and pore sizes are taken into consideration...". However, the examiner contends that the air permeability tests and calculations of the primary reference would inherently take into account the thickness, pore and fiber sizes between layers since the air permeability through the medias is affected thereby. It is also pointed out that the filter media of the A-P reference would be *the same* as applicant's filter media—i.e. the average overall pore size of the layered composite would be smaller than that of the average overall pore size of that of the finest fiber layer.
 - It is also pointed out that applicant's invention seems more conducive to "a method for testing (calculating, predicting)...", since the calculation limitations have no corresponding structure in the media and no corresponding step when manufacturing.

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4. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (703)305-0079 for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:00a to 4:30p, on at least four days during the week M-F.
- The group receptionist can be reached at (703)308-0661 for inquiries of a general nature or those relating to the status of this or proceeding applications.
- Wanda Walker, the examiner's supervisor, can be reached at (703)308-0457 if attempts to reach the examiner are unsuccessful.
- Fax numbers for this art unit are as follows:
 - i. (703)872-9310 for *official* faxes (i.e. faxes to be entered as part of the file history) that are not after-final; and
 - ii. (703)872-9311 if after-final.

JOSEPH W. DRODGE
PRIMARY EXAMINER

TKC 
September 12, 2002